



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

UNITED STATES OF AMERICA

v.

DWIGHT CORMIER

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CRIMINAL CASE NO 1:05-CR-78(3)

ORDER ADOPTING REPORT AND RECOMMENDATION
ON DEFENDANT'S COMPETENCY TO STAND TRIAL

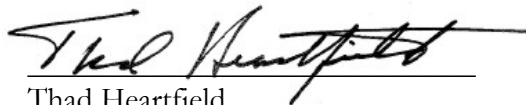
The Court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, for consideration of pretrial matters. Judge Giblin previously ordered that Defendant, Dwight Cormier, undergo a mental examination to determine his competency to stand trial pursuant to 18 U.S.C. § 4241. After conducting a hearing to address the examiner's findings, Judge Giblin filed his *Report and Recommendation on Defendant's Competency to Stand Trial* [Clerk's doc. #346]. Judge Giblin concluded that Mr. Cormier is currently incompetent to stand trial under 18 U.S.C. § 4241.

The parties have not objected to the magistrate's findings and recommendation. The Court concludes that the *Report and Recommendation on Defendant's Competency to Stand Trial* should be accepted. The Court **ORDERS** that the *Report and Recommendation on Defendant's Competency to Stand Trial* of the United States Magistrate Judge is **ADOPTED**.

Therefore, based upon the examiner's findings and the findings and recommendation reflected in Judge Giblin's report, the Court **FINDS** by a preponderance of the evidence that

Defendant, Dwight Cormier, is currently not competent to stand trial pursuant to Title 18, United States Code, Section 4241, because he is unable to assist properly in his defense. The Court **ORDERS** that Dwight Cormier be committed to the custody of the Attorney General. Upon commitment, the Attorney General is directed to hospitalize the Defendant for treatment in a suitable facility for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the trial to proceed. *See* 18 U.S.C. § 4241(d). On or before the end of this four-month period, the Attorney General or his designee is directed to file a report on the current mental state of Defendant with the Court and counsel. At that time, the Court directs that United States Magistrate Judge Keith F. Giblin shall revisit the issue of Mr. Cormier's competency to stand trial pursuant to 18 U.S.C. § 4241(d).

SIGNED this the **5** day of **May, 2006**.


Thad Heartfield
United States District Judge